

CERTIFICATE OF EXPRESS MAIL
NUMBER: EL564340076US
DATE OF DEPOSIT: OCTOBER 10, 2001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Gang An et al.

Serial No.: Unknown

Filed: Concurrently Herewith

For: BIOMAKERS AND TARGETS FOR
DIAGNOSIS, PROGNOSIS AND
MANAGEMENT OF PROSTATE,
BREAST AND BLADDER CANCER

Group Art Unit: 1655

Examiner: Einsmann, J.

Atty. Dkt. No.: UROC:018USD2/GNS

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Commissioner:

The Examiner is requested to enter the following amendments prior to examination on the merits. This preliminary amendment is filed concurrent with a request for a divisional application under 37 C.F.R. 1.53(b) from co-pending U.S. Patent Application Serial No. 09/662,270.

It is believed that no fee is due. Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Deposit Account No. 50-1212/10109245/GNS.

Please amend this application as follows:

In The Specification

On page 2, before line 1 of the application, please insert the following:

--This application claims priority to co-pending patent application, Serial No. 09/662,270, filed on September 14, 2000, which is a divisional application of U.S. Serial No. 09/097,199, which issued as U.S. Patent 6,218,529 on April 17, 2001.--

In the Claims

Please cancel claims 1-77, without prejudice or disclaimer.

Please add the following claims:

--78. A method of treating a patient with cancer comprising administering to the patient an effective amount of an agent that inhibits a peptide or polypeptide encoded by SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:10, SEQ ID NO:11, SEQ ID NO:12, SEQ ID NO:13, SEQ ID NO:16, SEQ ID NO:17, SEQ ID NO:19, SEQ ID NO:20, SEQ ID NO:21, SEQ ID NO:22, SEQ ID NO:23, SEQ ID NO:45, SEQ ID NO:46, SEQ ID NO:83 or SEQ ID NO:85, or a fragment thereof.

79. The method of claim 78, wherein the agent is an antibody.

80. The method of claim 79, wherein the antibody is specific to a polypeptide encoded by SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:10, SEQ ID NO:11, SEQ ID NO:12, SEQ ID NO:13, SEQ ID NO:16, SEQ ID NO:17, SEQ ID NO:19, SEQ ID NO:20, SEQ ID NO:21, SEQ ID NO:22, SEQ ID NO:23, SEQ ID NO:45, SEQ ID NO:46, SEQ ID NO:83 or SEQ ID NO:85 or a fragment thereof.

81. The method of claim 80, wherein the antibody is a monoclonal antibody.

82. The method of claim 80 wherein the antibody is a polyclonal antibody.

83. The method of claim 80, wherein the antibody is conjugated to a radionucleotide.
84. The method of claim 80, wherein the antibody is linked to a chemotherapeutic agent.
85. The method of claim 78, wherein the cancer is bladder cancer, breast cancer or prostate cancer.
86. The method of claim 78, wherein the agent inhibits SEQ ID NO: 3, SEQ ID NO: 83 or SEQ ID NO: 85 or a fragment thereof.
87. A method of treating a cancer cell comprising administering to the cell an effective amount of an agent that inhibits a peptide or polypeptide encoded by SEQ ID NO:3, SEQ ID NO:83 or SEQ ID NO:85, or a fragment thereof.
88. The method of claim 87, wherein the agent is an antibody.
89. The method of claim 88, wherein the antibody is specific to a polypeptide encoded by SEQ ID NO:3, SEQ ID NO:83 or SEQ ID NO:85 or a fragment thereof.
90. The method of claim 88, wherein the antibody is a monoclonal antibody.
91. The method of claim 88, wherein the antibody is a polyclonal antibody.
92. The method of claim 88, wherein the antibody is conjugated to a radionucleotide.
93. The method of claim 88, wherein the antibody is linked to a chemotherapeutic agent.
94. The method of claim 87, wherein the cell is in a patient.--

REMARKS

The parent application Serial No. 09/097,199 was filed on June 12, 1998. While this case was pending, divisional application Serial No. 09/662,270 was filed on September 14, 2000, and is still pending. Hence the present application is a co-pending application.

Claims 1-77 were originally filed in the parent case. In the present application, which is a second divisional application, claims 1-77 are cancelled and new claims 78-94 are added in this preliminary amendment. The new claims fall within the scope of Group IV as identified in the Restriction Requirement of September 17, 1999. A copy of the pending claims is included for the convenience of the examiner as Appendix A.

Support for the new claims may be found in specification at least on pg. 11, lines 6-8; pg. 18, lines 18-20; pg. 44, lines 24-27 and lines 8-12. Applicants submit that the new claims are supported in the original application and that no new matter is added.

The examiner is invited to contact the undersigned attorney at (512) 536-3081 with any questions, comments or suggestions relating to the referenced application.

Respectfully submitted,



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Date: October 10, 2001

Appendix A: Pending Claims

78. A method of treating a patient with cancer comprising administering to the patient an effective amount of an agent that inhibits a peptide or polypeptide encoded by SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:10, SEQ ID NO:11, SEQ ID NO:12, SEQ ID NO:13, SEQ ID NO:16, SEQ ID NO:17, SEQ ID NO:19, SEQ ID NO:20, SEQ ID NO:21, SEQ ID NO:22, SEQ ID NO:23, SEQ ID NO:45, SEQ ID NO:46, SEQ ID NO:83 or SEQ ID NO:85, or a fragment thereof.

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84. The method of claim 80, wherein the antibody is linked to a chemotherapeutic agent.

85. The method of claim 78, wherein the cancer is bladder cancer, breast cancer or prostate cancer.

86. The method of claim 78, wherein the agent inhibits SEQ ID NO: 3, SEQ ID NO: 83 or SEQ ID NO: 85 or a fragment thereof.

87. A method of treating a cancer cell comprising administering to the cell an effective amount of an agent that inhibits a peptide or polypeptide encoded by SEQ ID NO:3, SEQ ID NO:83 or SEQ ID NO:85, or a fragment thereof.

88. The method of claim 87, wherein the agent is an antibody.

89. The method of claim 88, wherein the antibody is specific to a polypeptide encoded by SEQ ID NO:3, SEQ ID NO:83 or SEQ ID NO:85 or a fragment thereof.

90. The method of claim 88, wherein the antibody is a monoclonal antibody.

91. The method of claim 88, wherein the antibody is a polyclonal antibody.

92. The method of claim 88, wherein the antibody is conjugated to a radionucleotide.

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REQUEST FOR TRANSFER OF SEQUENCE LISTING UNDER 37 C.F.R. § 1.821(e)

BOX SEQUENCE

Commissioner for Patents
Washington, D.C. 20231

Commissioner:

Pursuant to 37 C.F.R. § 1.821(e), Applicant respectfully requests that the sequence information previously submitted in parent application ("parent application"), U.S. Serial No. 09/097,199 filed June 12, 1998, be transferred to and used in the above-referenced patent application ("instant application"). Only one computer readable sequence listing was submitted to the U.S. Patent and Trademark Office in the parent application. The sequence information in the instant application is identical to the sequence information contained in the previously-filed computer readable sequence listing in the parent application. It is understood that the U.S. Patent

and Trademark Office will make the necessary change in application number and filing date of the computer readable form that will be used for the instant application. A paper copy of the sequence listing is included in the originally-filed specification of the instant application.

Applicants request the transfer of the previously-filed computer readable sequence listing from the parent application to the instant application is in lieu of filing a duplicate computer readable sequence listing.

No fee is believed to be due in connection with the filing of this document; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is hereby authorized to deduct said fee from Fulbright & Jaworski Account No.: 50-1212/10109245/GNS.

Respectfully submitted,



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